



**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

CC Docket No. 92-105

In the Matter of

**The Use of N11 Codes and Other
Abbreviated Dialing Arrangements**

Comments of Cingular Wireless LLC

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Cingular Wireless LLC (Cingular), through undersigned counsel, hereby comments in response to the Notice of Proposed Rulemaking (Notice) released March 14, 2004 in the captioned proceeding.

Cingular concurs with the recommendations of the North American Numbering Council (NANC) that the use of an N11 code, specifically 811, be assigned to meet the requirements of the Pipeline Safety Act to establish “a 3-digit nationwide toll-free telephone number system to be used by State one-call notification systems.”¹ Cingular also agrees with NANC that, absent the statutory requirement for a single, nationwide 3-digit toll free number, the optimal solution from a numbering resource optimization perspective would be the assignment of a single ten-digit toll-free number.² Finally, Cingular notes that it is implementing the recommendation of the National Telecommunications Damage Prevention Center (NTDPC) that wireless carriers utilize #344 (#DIG) as a uniform abbreviated dialing arrangement for its customers to contact state One Call Centers. Cingular concurs with NANC that the use of #344 for wireless

¹ Pipeline Safety Improvement Act of 2002, Pub.L.No. 107-355, § 17, 116 Stat. 2985, 3008 (2002) (“Pipeline Safety Act”).

customers to contact state One Call Centers should continue to be permitted.

II. Introduction.

The Pipeline Safety Act augments state and local One Call programs by requiring the U.S. Department of Transportation, in consultation with the Commission, to establish a nationwide 3-digit toll free number that excavators can call and be connected with a state or local One Call Center. The state or local One Call Center then notifies underground facility operators to identify and mark the location of their facilities in order to reduce the incidence of damage during excavation. The Commission sought recommendations from the NANC, the Commission's federal advisory committee on numbering issues, on the best way to implement the Pipeline Safety Act requirement. The NANC formed the Abbreviated Dialing for One Call Notification Issue Management Group (DIG IMG) to study alternatives and make a recommendation on the best 3-digit code to use for this purpose. The DIG IMG considered three alternatives, N11 codes, codes using a leading star or number sign, and easily recognizable codes. The DIG IMG recommended³, and the NANC endorsed, the use of an N11 code, specifically 811, as the best solution given the statutory mandate of a 3-digit abbreviated dialing arrangement.⁴ On May 27, 2004, the NANC clarified that "the quickest, least expensive and most effective way to provide nationwide, toll-free access to One Call centers would be through a nationwide ten-digit mnemonic toll free telephone number."⁵ The NANC stated:

² For example, 800-DIG-SAFE.

³ Report and Recommendation of the Abbreviated Dialing for One Call Notification Issue Management Group (October 29, 2003) (DIG IMG Report).

⁴ North American Numbering Council, Recommendation for Abbreviated Dialing for One Call Notification (December 4, 2003) (NANC Recommendation).

⁵ North American Numbering Council letter to William Maher, Chief, Wireline Competition Bureau, Federal Communications Commission (May 27, 2004) (NANC May 27 Letter).

In retrospect, there may have been some confusion about NANC's December 4, 2003 recommendation. Therefore, at its May 18, 2004 meeting NANC members reiterated that the best solution would be for Congress to amend the Pipeline Safety Act to require a ten-digit number in lieu of the currently specified three-digit number. NANC's "recommended solution" of utilizing 811 is a distant "second best solution necessitated by the specificity of the statute. NANC therefore recommends that the Congress should amend the statute so that its laudable statutory goal can be achieved quickly, inexpensively and without unnecessarily using scarce numbering resources.⁶

III. Cingular Concurs with the NANC Recommendation that the Pipeline Safety Act be Amended to Permit Use of a Ten-Digit Number.

Currently, six states use statewide ten-digit toll free mnemonic numbers to access One Call Centers. Maine, Massachusetts, New Hampshire, Rhode Island and Vermont all utilize 888-DIG-SAFE to access their individual state One Call Centers. Kansas uses 800-DIG-SAFE for the same purpose. Absent the statutory mandate for a 3-digit number, the NANC would favor use of a similar ten-digit toll free number for nationwide access to One Call Centers.

DIG IMG identified a number of advantages associated with the designation of a nationwide ten-digit toll free number for access to One Call centers.⁷ First, switch development is not required and all networks (wireline and wireless) can implement this alternative.⁸ Second, it would avoid the use of the last available N11 code and problems identified with the 811 solution. Third, the supply of assignable NPAs would not be reduced, as would be the case if 344 were selected as the 3-digit code. Fourth, customers are used to dialing ten digit toll-free numbers and understand that they will not be

⁶ NANC May 27 letter paragraph 3.

⁷ DIG IMG Report, Appendix 2.

⁸ One disadvantage with utilizing a ten digit toll free number on wireless networks is that roamers would be routed to the One Call Center associated with the caller's telephone number. One Call Center representatives contacted by DIG IMG did not deem this to be a serious drawback. Additionally, some carriers may have Type 1 connections to the 800 database which do not pass CPN information.

charged for the call. Fifth, the use of a nationwide ten-digit number would facilitate a national single number education program.

The roll out of a ten-digit solution would also be much quicker than the 811 solution. Because exiting local users of 811 will need to be cleared and contracts with One Call Centers will need to be negotiated, DIG IMG estimates that it will take one to two years after an FCC order becomes effective before the 811 solution can be implemented.⁹ Were Congress to promptly authorize use of a ten-digit toll free number, a much quicker implementation could be accomplished.

IV. Absent a Change in the Statute, Cingular Supports the NANC Recommendation to Utilize 811 as the National One Call Number.

Cingular concurs with the NANC that, although a distant “second best,” the utilization of an N11 code, specifically 811, is the appropriate means to fulfill the mandate of the Pipeline Safety Act. Although Cingular is reluctant to endorse the assignment of what, practically speaking, is the last N11 code available for national assignment, the Pipeline Safety Act gives the Commission little choice. The other alternatives—a shared N11 code, an Easily Recognizable Code (ERC) such as 344 (DIG), or codes using a leading Star (*) or Number Sign (#), *e.g.* *344 or #344, are impractical and would be costly to implement and would delay the availability of a national One Call number for years.¹⁰

In its petition for rulemaking, the U.S. Department of Transportation (DOT) asked for the assignment of ERC 344 (DIG) as the national One Call number.¹¹ DIG IMG

⁹ DIG IMG Report at 11.

¹⁰ Wireless carriers can and have implemented #344 but this alternative is not feasible industrywide.

¹¹ Notice at ¶ 6.

evaluated this request and determined that it was inappropriate.¹² The use of ERC 344, or any other unassigned NPA, would require substantial switch development that could take one to three years to complete and would be very costly. Several switch types that are no longer receiving development support would need to be replaced. It would also remove eight million telephone numbers from the pool of assignable numbers. These drawbacks led the DIG IMG and the NANC to recommend against adopting ERC 344 as the national One Call number.

The use of #XXX, while practical in the wireless world, would require major standards and development work in the wireline world. There are numerous uses of the # key as a network control character in the wireline world that would have to be removed before the use of an #XXX number as the national One Call access number. Furthermore, the # key is not a digit, and a #XXX number could not be accessed from rotary phones. These drawbacks led the DIG IMG to recommend against using #344 as the national access number.¹³

The use of a leading Star (*XXX) would conflict with the use of the Star as a prefix when dialing a vertical service code, such as call forwarding. Furthermore, many PBX systems use the Star and Number Sign keys for feature access. Some switching systems are not capable of dealing with Star and Number Sign in the dialing sequence, and would require extensive development work before Star or Number Sign could be used in an abbreviated dialing arrangement. These issues make *XXX and #XXX impractical for use as the national One Call access code.¹⁴

¹² DIG IMG Report and 8-9.

¹³ DIG IMG Report at 6-7.

¹⁴ DIG IMG Report at 7.

Concerns about customer confusion and potential misrouting of calls led the DIG IMG to decline to recommend a shared use N11 code, such as 511, for One Call Center access. The 511 code is used by state transportation departments to provide traffic reports. DIG IMG noted that shared use of the 511 code would require use of an intercept voice recorder that might make delay unacceptable, and not all states have implemented 511 service, so that national implementation may be dependent on ubiquitous state deployment. DIG IMG was concerned that shared use of a N11 code would add complexity, cost and would probably delay deployment of nationwide One Call Center access.¹⁵ Cingular shares these concerns about a shared N11 solution.

By contrast, current wireline abbreviated dialing arrangements utilize N11 codes.¹⁶ Thus, wireline carriers could implement an N11 solution relatively simply. Many wireline switches already are equipped with N11 software functionality. The N11 architecture is an established abbreviated dialing plan that is recognized by switch manufacturers and the public at large. 811 meets the requirement of the Pipeline Safety Act. The 811 access can be mapped into existing One Call Center toll free or local numbers, thereby meeting the legislative mandate that caller not incur toll charges.¹⁷ While not ideal, Cingular agrees with the NANC that the 811 solution is the best available under current law.

V. Wireless Carriers Should Be Allowed to Continue Using #344.

Although the use of Number Sign in an abbreviated dialing arrangement would

¹⁵ DIG IMG Report, Appendix 2, at 16.

¹⁶ DIG IMG Report at 10-11.

¹⁷ Cingular supports the recovery of the costs of implementing the Pipeline Safety Act requirement though negotiated contracts with the One Call Centers. End users will receive toll-free access, but would still incur air-time charges when using wireless networks to access the Once Call Center.

create serious problems for wireline providers, wireless carriers today use # for carrier-specific abbreviated dialing for various applications. At the request of the NTDPC, Cingular and other wireless carriers are implementing #344 as an abbreviated dialing arrangement to access state One Call Centers. Because of the effort that has gone into deploying #344 by wireless carriers, the DIG IMG recommends that in addition to 811, calls from wireless subscribers who are familiar with the use of #344 to reach One Call Centers should continue to be able to do so.¹⁸ Cingular concurs. Cingular has devoted substantial time and resources to implementing the NTDPC request, and it has implemented #344 access to One Call Centers in many areas. #344 meets the intent of the Pipeline Safety Act. Implementing a national three digit dialing code for access to One Call Centers will take a substantial amount of time as 811 is currently used for other purposes by carriers in some markets. Cingular customers who have abbreviated dialing access to One Call Centers through #344 should be allowed to continue utilizing that dialing arrangement.

VI. Conclusion.

Cingular supports the recommendation of the NANC that Congress be contacted and urged to permit a nationwide ten-digit toll free number to access state and local One Call Centers. In the absence of legislation, Cingular reluctantly supports the assignment of the N11 code 811 for this purpose. The other alternatives are fundamentally flawed, would be very expensive to implement, and would delay the roll out of a national One Call number for years. Cingular and other wireless carriers that are implementing #344 as an abbreviated access number to One Call Centers should be allowed to continue to do so.

¹⁸ DIG IMG Report at 3.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Lydia Byrd, an employee in the Legal Department of Cingular Wireless LLC, hereby certify that on this 8th day of July, 2004, courtesy copies of the foregoing Comments of Cingular Wireless were sent via first class mail, postage prepaid to the following:

Marlene H. Dortch, Secretary
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In addition, the document was filed electronically in the Commission's Electronic Comment Filing System on the FCC website.

s/ Lydia Byrd
Lydia Byrd